

HUMAN TRAFFICKING: PAST PRESENT AND THE FUTURE WITH INDIAN PERSPECTIVE

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ABSTRACT

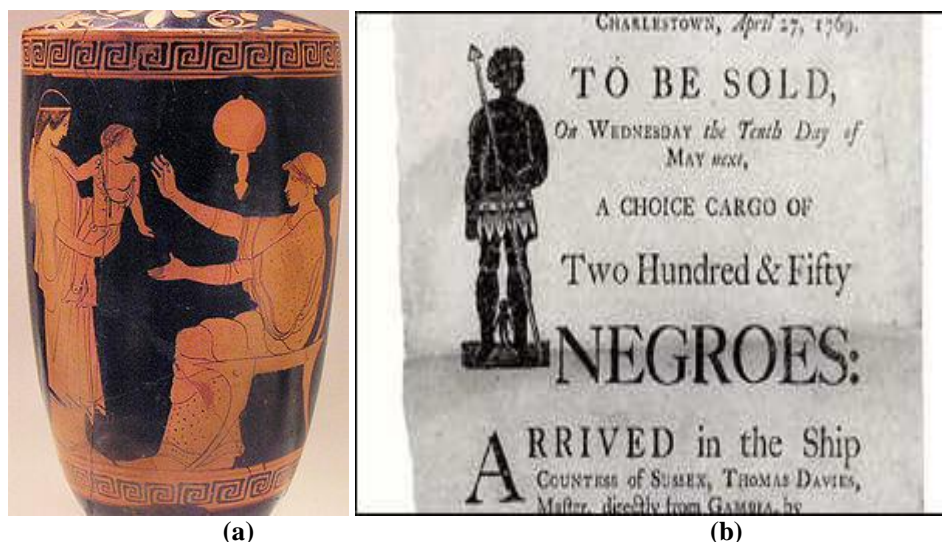
The footprints of human trafficking of slavery systems can be traced out easily from the history during early stages of civilization. It can be seen in the roots of origin of the private property in the form of the workshop of the patriarchal master in the beginning and formation of family. One can consider human trafficking as the present type of slavery system. The main victims of human trafficking may relate either by force, cheat, or any other form of misleading, mainly for the sake of labor or sexual exploitation. The major part of sufferers may be children, teenagers including men and women. This is growing as a criminal industry in the contemporary world. It is the largest, after the drug-trade in the present world. The present paper is an effort to address and highlight the past and present forms of human trafficking and its possible future direction. An effort has also been made to analyze the preventive measures and their consequences with reference to the Indian perspective.

KEYWORDS: Trafficking, Slavery, Minimum Wage, Child Labor & Commodity Production

Received: Dec 15, 2021; **Accepted:** Jan 05, 2022; **Published:** Jan 27, 2022; **Paper Id.:** IJEEFUSJUN202204

INTRODUCTION

Ongoing phenomenon of human trafficking, adopting several forms to meet different commercial purposes as a means of production. It includes men, women, teenagers in particular and children. Human trafficking has a variety of definitions, interpretations, and understanding. Human trafficking is a process of getting labor power at marginal price. The main parts of victims are usually recruited through greed including fake employment offers, fake migration offers, false marriage offers. The trafficking of humans may be through sale by family members, recruitment by former slaves, or outright abduction [1]. The labor power is required to produce any sellable commodity, or in other words, it is the necessary input for the conversion of raw material to commodity. The commodities are the commercial product being manufactured and prepared not for the purpose of use, but for the purpose of selling or buying. This selling and buying depend upon the basic phenomenon of profit. Labor is one of the important entities of commodity production along with the raw materials and other supportive devices. Profit can be increased if the cost of any one or all the entities decreases. It is the target which is being looked at by the economist of all the period. They have found the poor people, uneducated, unemployed, living in extreme poverty conditions and living in scarcity and are easily achievable neck for the cheapest means of production.



**Figure 1: (a) Ancient Greek art, showing a Slave Giving a Mother her Child
(b) Millions of People were Exported from West Africa into USA and other Countries for Slavery in the 1800s (source: American Antiquarian Society and BBC news).**

BRIEF HISTORY OF HUMAN TRAFFICKING

Human trafficking is the modern form of slavery [2] and one type of illegal selling or buying of humans. This trade can be through abduction, the use or threat of force, deception, fraud, or sale for the purposes of sexual exploitation or forced labor. People from all parts of the world particularly from poorer countries are transported. This transportation may be within or across the borders. Humans thus transported are forced to work in prostitution, the sex entertainment industry, pornography, domestic servitude, sweatshops, restaurant work, migrant agricultural work, and many other industries [2]. Human trafficking is a multinational organized criminal industry that generates enormous money annually.

The roots of slavery lie in most of the civilization and can be seen in the paintings on the walls, monuments in several old remains of civilization. The practice of slaves was common during the Ramayana period; the same can be understood through the following *pada* of *Sri Ramcharita manas* [3].

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Though, in the Indian Vedic context "*Dasas*" as slaves have been questioned by researchers, thus becoming a debatable subject[4]. *Dasa* means servant in a generic sense and just from the term, it cannot be said that it was slavery. The phenomenon of human slavery can be traced back in India since the *Maurya period*. Indian society remained subject to the strictly observed caste system. The differences between the lower caste therefore not better than the slaves, in spite, it was better to be a slave for the safer side to have a single master. A lower caste person was forced to work constantly to get food and water for self and their dependents, however, slaves occasionally could have time off from work. There were certain laws to define as the type of treatment permitted for the slaves. The slaves were allowed beating on the back instead of the head. If a woman was made pregnant by their master, was allowed to be freed with her child at the moment of birth. The laws were not in a position to minimize the pains of being enslaved. Certainly, most of the masters managed to disobey these laws. However such rules and social laws enabled at least some protection to the miseries of slaves in the

civilized society. These social rules and laws also supplemented Hindu and Buddhist perceptions and were influential in affecting the behavior of fewer people [5].

The book of Kalidasa '*Arthashastra*' handy in revealing the extent and nature of slavery during the 4th century BC period. Also, in the view of scattered types of references, chapter 13 of book III, discusses slavery under the significant title "rules regarding slaves and laborers". An Aryan human can only be conditionally sold or kept for mortgage under the social legal framework of that time. The *Aryas* are defined distinctly and includes all the castes of the prevailing society. Though there was a provision of financial or social penalties on the breach of laws by selling the kinsmen [6]. If such selling is undertaken by any other person than the kinsmen, then such sellers are liable to face capital punishment including fines. It is mentioned in *Arthashastra* that human from *Aryas* cannot be enslaved. Slavery by the *Mleccha* (a sort of lower caste) community was allowed during offspring, as this period includes outsiders from the western hinterland of the Indian subcontinent [6]. Such way slavery in ancient India was under a certain social and legal framework with a definite character of human use for labour and other means.

The traces of systematic activities of commercial use of humans began in the New stone age (Neolithic Period). The slaves were treated as commodity and mere means of production and the value of individual slaves was similar to the value-based commodities such as iron copper silver gold or even grains depending upon the type of slave. Better the slave as the price. The invaders and consequently war has given ample opportunities to the human traders as the people of the defeated kingdom were at the mercy of the victorious king. In the transition, the traders get a chance to trade useful human to the area where there exists demand with a high price. For example, such a trade can be seen in many parts of the world like Siberia before the arrival of the Russians in the 16th and 17th centuries. Asian countries have also witnessed the trade of humans to Europe and the middle east. The traded slaves were mainly the people captured during the war. The captured people were then shipped to faraway places so that they become kinless and had no chance of fleeing without paying any labor remuneration either to slave or kins in return. Such commercial exploitation of the slaves can be seen in most of the continents and provided the bulk of household slaves throughout the world [5].

The trade of slavery grew up and was enhanced internationally through systematic networks. During the 9th and 10th centuries, Vikings and Russian merchants took East Slavic slaves into the Baltic region for labor. Later they came to Denmark for transshipment and sold to Jewish and Arabic slave traders. Even the males were castrated so that they become unable to reproduce. The slaves were then sold to various harems of the middle east, Spain and some parts of Africa. The Baghdad caliphate got slaves from Western Europe through Marseille, Venice, and Prague in the 9th century. Slaves from Eastern Europe and Central Asia were transported through Derbent, Itil, Khorezm, and Samarkand. Likewise, African slaves were sent via Mombasa, Zanzibar, Sudan, and the Sahara. While in the Asian region the Mongols brought their slaves initially to Karakorum in the 13th century. Slaves were sold throughout Asia from Karakorum pass. Human trade of these people retailed throughout Eurasian countries. A similar pattern can be seen in Arab supply networks for black slaves. It spread in Africa across the Sahara, to the Red Sea. Human trade from East Africa expanded the supply of slaves to the Islamic countries and the Indian Ocean region with human capital. [4]

A large population, more than one third of most of the African countries, and Middle East were slaves, during 700 to 1900 century for a cheap source of labor and thus trade purpose. Such trade networks expanded from Ghana (750–1076), Mali (1235–1645), Segou (1712–1861), and Songhai (1275–1591). These regions become a source of the population where people could easily be enslaved. As per available published data in Senegambia, between 1300 and 1900, close to one-third

of the population was enslaved. The large population was enslaved in Sierra Leone in the 19th century. It was claimed that half of the population consisted of slaves. Similarly, in the period of industrialization, the demand for cheaper labor was high and created demand for slaves subsequently most of the population of some parts of the world become slaved in the 19th century. The countries like Cameroon, Nigeria, the Kongo, the Kasanje kingdom and Angola were with such a high proportion of slaves in the entire population [6].

India too was the hub of human transportation of slavery or trade in a similar period. People from Tanjavur and Nagapattinam were sold for slavery. A large number of girls and little boys were exported by Asian traders. These humans were sent to Aceh, Johor, and other slave markets of the Asian region. Most of the data of exported people as in not reported though some data expressed the intensity of the trade and the number of people as victims of the contemporary period. For example, about 650 slaves were exported by the Britishers from Madras in September 1687. Similarly, nearly 4000 slaves were imported from Coromandel by private individuals to Ceylon. It was primarily due to the warfare in south India [5].

After a long series of protests and demands from humanitarian groups, some of the western countries has decided to stop this evil and as a result, the British Parliament passed the Bill to abolish the trading of slaves in 1807. The King of Bonny (now in Nigeria) was horrified at the conclusion of the practice [7].

"We think this trade must go on. That is the verdict of our oracle and the priests. They say that your country, however great, can never stop a trade ordained by God himself."



Figure 2: 200th Anniversary of the British act of Parliament Abolishing Slave Trading, Commemorated on a British Two Pound Coin.

PRESENT STATUS OF HUMAN TRAFFICKING IN INDIA

Human trafficking can be understood as a commercial trade of humans. Thus enslaved are subjected to many commercial activities either begging, prostitution or cheaper labor. This trade has proven to be fruitful for illegal traders throughout the world and India can not be an exception to that. The United State of America placed India on the Tier-2 Watch List for human trafficking for many years. It was claimed that the Indian government has not taken effective measures to reduce human trade. As per the stated report, India is considered to be a source, destination, and transit country for men, women, and children trafficked for the purposes of forced labour and commercial sexual exploitation. The Indian soil is used for several activities of human trade and thus trafficked humans are sent worldwide for illegal exploitation for commercial activities. In confirmation of this, the reported news about the harassed labors in Arab countries can be mentioned. The report further claims that the number of persons affected may be in millions even up to 20 to 65 million. According to the estimates, the expected turnover of human trafficking in India is around 20 billion rupees annually. A large number of

humans among the transported are female, and it is a matter of great concern. Out of the total number of persons affected by human trafficking, as many as 80 per cent are women and 50 per cent are children [11].

According to a report of United nation out of the 28 million people around the world are considered human slaves. The UN also recognizes the trajectory of human slavery in modern times. Most of the modern day's slaves living in India are from *Dalit* and lower caste society. Presently, *Dalits* in India are the largest number of people categorized as modern-day slaves. However, it is not a matter of making the issue caste specific rather as a serious matter of human exploitation [12]. The report claims the rise in the number of Trafficking in children. As per reported data, about 60 percent of the victims of trafficking are below 18 years of age (NCRB, 2005). It depicts that the teenagers are on the target of this illegal trade considering it to be safer as compared to the adults. According to the NHRC report on Trafficking in Women and Children, in India, the population of women and children in sex work is approximately between 70,000 and one lakh. As a fraction 30 percent are 20 years of age about 15 percent are forced to go into sex work at the age below 15 years and 25 percent entered between 15 and 18 years of age[13]. These reports are quite sufficient to prove the statement that India can be considered an important destination and transit point for the trafficking of women and girls. Apart from India, other economically weaker Asian countries like Bangladesh, Sri Lanka, Thailand, Pakistan, China and Cambodia are the sources of human trafficking. According to the UN Population Fund report on State of World Population "India and Pakistan are major destinations for trafficked women and girls and also transit points into the Middle East [14]. The report also ascertains that Asia is the home to the largest number of internationally trafficked persons. The number was also estimated as in the range of for east and south Asia as 2.25 lakh and 1.5 lakh respectively. It means women from east Asia are more prone to be trafficked. Human trafficking within the nation can also be of importance and the female from one state to another are also reported. Females from poorer states are trafficked to other states as a source of cheaper labor. As per an estimated women and children population as sex workers in India is approximately 2 million.

Trafficking in other parts of the world is as common as in India figure.3.

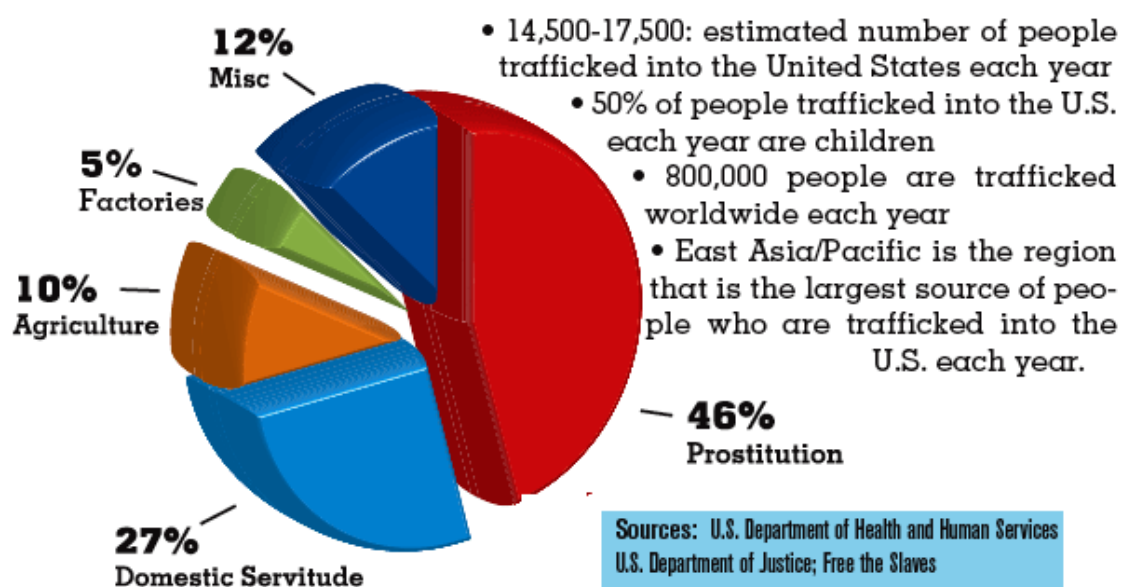


Figure 3: World wide Net of Human Trade (A Report of USA Government 2008).

Reasons of the Human Trafficking in India

Poverty and hunger make children and women belonging to the poor sections of society highly vulnerable to human trafficking [11]. Prostitution is often referred to as the oldest profession in the world. This statement has clear overtones of derision and inevitability which unfortunately tend to get attached to victims of sexual exploitation and trafficking. It would be far more accurate to describe instead, trafficking as the oldest business in the world and incidentally, one of the most lucrative [15]. It claims that there are many reasons behind human trafficking but the differences in the class on an economic basis is the primary cause i.e., poverty is the main cause of the problem. The minimum wage of unskilled labor in India is near about Rs.200 per day. If such a labor gets work for a whole month and then for a whole year, he or she will be able to earn as much as:

Daily minimum wage of an unskilled labor in India: Rs.203 per day

Total days in a month (excluding Holiday and Sunday): 26 man days

Total days in a calendar year: $12 \times 26 = 312$ man days

Annual payment an unskilled worker gets: $12 \times 26 \times 203 = \text{Rs.}63,336/-$

An unskilled Indian laborer can earn at the most Rs.63,336/-(equals about € 880/-) if he or she gets employment throughout the year. While a similar person may gets as high as €17,701 (above Rs.10.5 lakh) if employed in France. Here lies the root cause of human trafficking i.e., economic dissimilarity among the classes, societies, states, and nations.

Government Efforts to Minimize Human Trafficking in India

Between 1815 and 1957 around 300 international agreements were made and implemented for the abolition of the slavery system, with varying degrees of success. Many of these agreements lacked adequate institutions and procedures to ensure that they were enforced [7].

Different efforts have been made by Article 23 under Part 3 (Fundamental Rights) of the Indian constitution prohibits the trafficking of human beings in the territory of India. There are also more than 20 provisions in the Indian Penal Code, 1860 which deal with various aspects of human trafficking. But despite all this, there is an inexplicable apathy in the approach of law enforcement agencies when it comes to dealing with human trafficking. The government of India has undertaken several measures in the past to combat this menace. The Ministry of Women and Child Development has made the nodal agency to deal with human trafficking in India. A nodal cell against human trafficking has been constituted in the Ministry of Home Affairs. The National Human Rights Commission has formulated an integrated plan of action to prevent and combat human trafficking with a special focus on women and children. However, there is still a lack of clarity in government policies regarding human trafficking. The existing laws have not been properly defined and there are several loopholes in them due to which the perpetrators of human trafficking escape from being punished. A recent report by DePaul University's International Human Rights Law Institute finds 80 percent of those sold into sexual slavery are under 24, with some as young as 6. An estimated 30,000 die annually from abuse, torture, neglect and disease. More than 7,000 Nepali girls as young as 9 are sold annually into India's red-light districts. As many as 200,000 Nepali girls have been sold into sexual slavery in India so far. Nepalese women and girls, especially virgins, are favored in India because of their light skin [16].

Future of the Human Trafficking

The future of human trade will not end in the present mode of production. Since the commodities in the present economic system are being manufactured only for profit. The profit depends upon the labor power or one may say the profit is nothing but the accumulated labor power. The profit from the commodity can be increased with the reduction of the cost of the raw material and labor power. It is also clear that the labor rates are very low in the Asian subcontinent specifically in southern Asia, due to overpopulation and extreme poverty conditions. Most poor people of these areas can easily be trapped in the net of traffickers. Human trafficking is in the practice for centuries in our societies just to reduce the production cost so that the overall profit can be increased. Today, at least 12.3 million people are victims of forced labor worldwide. Of these, 9.8 million are exploited by private agents, including more than 2.4 million in forced labor as a result of human trafficking. Another 2.5 million are forced to work by the State or by rebel military groups [17].

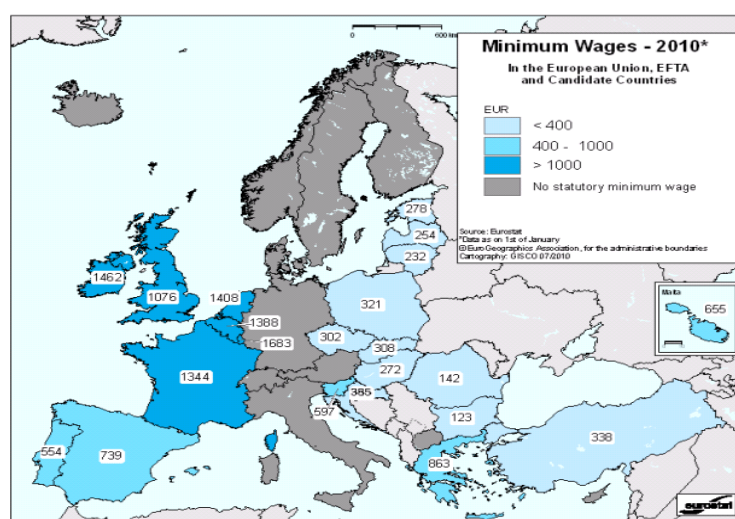


Figure 4: Recommended Labor Power Rates by European Union
[Source: Euro Stat Earn_Minw_Cur)].

The present difference in the wage rates among the different countries attracts the traffickers for the cheap labor power from the developing and poor countries for the human trade for the higher profit. The minimum wage in India varies according to the states and to the sector of industry; state governments set a separate minimum wage for agricultural workers. The difference in the minimum wages rates is as high as €17,701 (above Rs.10.5 lakh) in France and ASD 20,027 (Above Rs 8.0 lakh)/- of Australia [18]. In India, unskilled labor gets Rs 203 per day (equals to about € 90/ month). It can be easily understood that such a huge gap in the wage rate indeed promotes the traffickers and subsequent human trafficking in the world.

Minimum wage rates vary state to state and even with the central sphere also. Unskilled labor involved in Sweeping and Cleaning, loading/unloading and construction works get minimum wage @ Rs. 234* (the rates are subjected to change as per GOI rules time to time) per day if payment is made through the central government agency, while the same worker gets the minimum wage @ Rs. 152 per day. Such inequality can be found in the USA wage system as well, their minimum wage varies from \$ 5.25 to \$ 8.00 per hour in various states. Indian Government has set up five Regional Committees in order to reduce the regional disparities in the minimum wages. The regional disparity in minimum wages is attributed to differences in socio-economic and agro-climatic conditions, prices of essential commodities, paying capacity,

productivity and local conditions influencing the wage rate [19]. It can be concluded from the above data that economic differences plays a vital role in human trafficking.

**The rates are indicative only and number used for comparing the figures with respect to labor rates only.*

CONCLUSIONS

To combat human trafficking, several short-term and long-term measures are needed to be taken up at all levels. There is an urgent need to create awareness among the public about human trafficking. It has been said that our media can play a very effective role here, but it is not true because media itself function on the principle of profit. Investigation in the cases involving human trafficking should be carried out with the aim to destroy this epoch long trial. There is another emphasis that government and NGOs should work together to ensure post-rescue rehabilitation of the victims in terms of providing them healthcare, education and other employment opportunities. A critical examination reveals that such efforts are of reformative nature and hence will not help in the abolition of the existing practice of oppression by a class to another class. Therefore, the solution to the centuries old problem lies somewhere in the abolition of the present means of production, which is totally based on the principle of profit and commodity production. Otherwise, the problem will remain alive and continue as it remains in the past human history.

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